



General Assembly

January Session, 2009

Raised Bill No. 755

LCO No. 2630

02630_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT CONCERNING THE USE OF ASTHMATIC INHALERS AND
EPINEPHRINE AUTO-INJECTORS WHILE AT SCHOOL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) A physician or physician
2 assistant licensed under chapter 370 of the general statutes, an
3 advanced practice registered nurse licensed under chapter 378 of the
4 general statutes and a respiratory care practitioner licensed under
5 chapter 381a of the general statutes may issue to a local or regional
6 board of education a written certification of the need of a child who
7 has been diagnosed with asthma and who is under the care of such
8 licensed health care practitioner to possess an asthmatic inhaler at all
9 times while attending school to ensure prompt treatment of the child's
10 asthma and protect the child against serious harm or death.

11 Sec. 2. (NEW) (*Effective October 1, 2009*) A physician or physician
12 assistant licensed under chapter 370 of the general statutes and an
13 advanced practice registered nurse licensed under chapter 378 of the
14 general statutes may issue to a local or regional board of education a
15 written certification of the need of a child who has been diagnosed
16 with an allergic condition and who is under the care of such licensed

17 health care practitioner to possess an automatic prefilled cartridge
18 injector or similar automatic injectable equipment at all times while
19 attending school to ensure prompt treatment of the child's allergic
20 condition and protect the child against serious harm or death.

21 Sec. 3. Subsection (b) of section 10-206 of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective*
23 *October 1, 2009*):

24 (b) Each local or regional board of education shall require each child
25 to have a health assessment prior to public school enrollment. The
26 assessment shall include: (1) A physical examination which shall
27 include hematocrit or hemoglobin tests, height, weight, blood
28 pressure, and, beginning with the 2003-2004 school year, a chronic
29 disease assessment which shall include, but not be limited to, asthma
30 as defined by the Commissioner of Public Health pursuant to
31 subsection (c) of section 19a-62a. The assessment form shall include (A)
32 a check box for the provider conducting the assessment, as provided in
33 subsection (a) of this section, to indicate an asthma diagnosis or
34 diagnosis of an allergic condition and whether a certificate has been
35 issued concerning the use of an asthmatic inhaler in accordance with
36 the provisions of section 1 of this act or an automatic prefilled
37 cartridge injector or similar automatic injectable equipment in
38 accordance with the provisions of section 2 of this act, (B) screening
39 questions relating to appropriate public health concerns to be
40 answered by the parent or guardian, and (C) screening questions to be
41 answered by such provider; (2) an updating of immunizations as
42 required under section 10-204a, provided a registered nurse may only
43 update said immunizations pursuant to a written order by a physician
44 or physician assistant, licensed pursuant to chapter 370, or an
45 advanced practice registered nurse, licensed pursuant to chapter 378;
46 (3) vision, hearing, speech and gross dental screenings; and (4) such
47 other information, including health and developmental history, as the
48 physician feels is necessary and appropriate. The assessment shall also
49 include tests for tuberculosis, sickle cell anemia or Cooley's anemia

50 and tests for lead levels in the blood where the local or regional board
51 of education determines after consultation with the school medical
52 advisor and the local health department, or in the case of a regional
53 board of education, each local health department, that such tests are
54 necessary, provided a registered nurse may only perform said tests
55 pursuant to the written order of a physician or physician assistant,
56 licensed pursuant to chapter 370, or an advanced practice registered
57 nurse, licensed pursuant to chapter 378.

58 Sec. 4. Section 10-212a of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective October 1, 2009*):

60 (a) (1) A school nurse or, in the absence of such nurse, any other
61 nurse licensed pursuant to the provisions of chapter 378, including a
62 nurse employed by, or providing services under the direction of a local
63 or regional board of education at, a school-based health clinic, who
64 shall administer medical preparations only to students enrolled in such
65 school-based health clinic in the absence of a school nurse, the
66 principal, any teacher, licensed physical or occupational therapist
67 employed by a school district, or coach of intramural and
68 interscholastic athletics of a school may administer, subject to the
69 provisions of subdivision (2) of this subsection, medicinal
70 preparations, including such controlled drugs as the Commissioner of
71 Consumer Protection may, by regulation, designate, to any student at
72 such school pursuant to the written order of a physician licensed to
73 practice medicine, or a dentist licensed to practice dental medicine in
74 this or another state, or an optometrist licensed to practice optometry
75 in this state under chapter 380, or an advanced practice registered
76 nurse licensed to prescribe in accordance with section 20-94a, or a
77 physician assistant licensed to prescribe in accordance with section 20-
78 12d, and the written authorization of a parent or guardian of such
79 child. The administration of medicinal preparations by a nurse
80 licensed pursuant to the provisions of chapter 378, a principal, teacher,
81 licensed physical or occupational therapist employed by a school
82 district, or coach shall be under the general supervision of a school

83 nurse. No such school nurse or other nurse, principal, teacher, licensed
84 physical or occupational therapist employed by a school district, coach
85 or school paraprofessional administering medication pursuant to
86 subsection (d) of this section shall be liable to such student or a parent
87 or guardian of such student for civil damages for any personal injuries
88 that result from acts or omissions of such school nurse or other nurse,
89 principal, teacher, licensed physical or occupational therapist
90 employed by a school district, coach or school paraprofessional
91 administering medication pursuant to subsection (d) of this section in
92 administering such preparations that may constitute ordinary
93 negligence. This immunity does not apply to acts or omissions
94 constituting gross, wilful or wanton negligence.

95 (2) Each local and regional board of education that allows a school
96 nurse or, in the absence of such nurse, any other nurse licensed
97 pursuant to the provisions of chapter 378, including a nurse employed
98 by, or providing services under the direction of a local or regional
99 board of education at, a school-based health clinic, who shall
100 administer medical preparations only to students enrolled in such
101 school-based health clinic in the absence of a school nurse, the
102 principal, any teacher, licensed physical or occupational therapist
103 employed by a school district, or coach of intramural and
104 interscholastic athletics of a school to administer medicine or that
105 allows a student to self-administer medicine, including medicine
106 administered through the use of an asthmatic inhaler or an automatic
107 prefilled cartridge injector or similar automatic injectable equipment,
108 shall adopt written policies and procedures, in accordance with this
109 section and the regulations adopted pursuant to subsection (c) of this
110 section, that shall be approved by the school medical advisor or other
111 qualified licensed physician. Once so approved, such administration of
112 medication shall be in accordance with such policies and procedures.

113 (3) A director of a school readiness program as defined in section
114 10-16p or a before or after school program exempt from licensure by
115 the Department of Public Health pursuant to subdivision (1) of

116 subsection (b) of section 19a-77, or the director's designee, may
117 administer medications to a child enrolled in such a program in
118 accordance with regulations adopted by the State Board of Education
119 in accordance with the provisions of chapter 54. No individual
120 administering medications pursuant to this subdivision shall be liable
121 to such child or a parent or guardian of such child for civil damages for
122 any personal injuries that result from acts or omissions of such
123 individual in administering such medications which may constitute
124 ordinary negligence. This immunity shall not apply to acts or
125 omissions constituting gross, wilful or wanton negligence.

126 (b) Each school wherein any controlled drug is administered under
127 the provisions of this section shall keep such records thereof as are
128 required of hospitals under the provisions of subsections (f) and (h) of
129 section 21a-254 and shall store such drug in such manner as the
130 Commissioner of Consumer Protection shall, by regulation, require.

131 (c) The State Board of Education, in consultation with the
132 Commissioner of Public Health, [may] shall adopt regulations, in
133 accordance with the provisions of chapter 54, [as] determined to be
134 necessary by the board to carry out the provisions of this section,
135 including, but not limited to, regulations that (1) specify conditions
136 under which a coach of intramural and interscholastic athletics may
137 administer medicinal preparations, including controlled drugs
138 specified in the regulations adopted by the commissioner, to a child
139 participating in such intramural and interscholastic athletics, (2)
140 specify conditions and procedures for the administration of medication
141 by school personnel to students, and (3) specify conditions for self-
142 administration of medication by students, including permitting a child
143 diagnosed with: (A) Asthma to retain possession of an asthmatic
144 inhaler at all times while attending school for prompt treatment of the
145 child's asthma and to protect the child against serious harm or death
146 provided such child has submitted a written certification to the local or
147 regional board of education in accordance with the provisions of
148 section 1 of this act; and (B) an allergic condition to retain possession of

149 an automatic prefilled cartridge injector or similar automatic injectable
 150 equipment at all times while attending school for prompt treatment of
 151 the child's allergic condition and to protect the child against serious
 152 harm or death provided such child has submitted a written
 153 certification to the local or regional board of education in accordance
 154 with the provisions of section 2 of this act. The regulations shall
 155 require authorization pursuant to: [(A)] (i) The written order of a
 156 physician licensed to practice medicine under chapter 370, a dentist
 157 licensed to practice dental medicine [in this or another state] under
 158 chapter 379, an advanced practice registered nurse licensed under
 159 chapter 378, a physician assistant licensed under chapter 370, a
 160 podiatrist licensed under chapter 375, [or] an optometrist licensed
 161 under chapter 380 or a respiratory care practitioner licensed under
 162 chapter 381a; and [(B)] (ii) the written authorization of a parent or
 163 guardian of such child.

164 (d) (1) With the written authorization of a student's parents, and (2)
 165 pursuant to the written order of the student's (A) physician licensed to
 166 practice medicine, (B) an optometrist licensed to practice optometry
 167 under chapter 380, (C) an advanced practice registered nurse licensed
 168 to prescribe in accordance with section 20-94a, or (D) a physician
 169 assistant licensed to prescribe in accordance with section 20-12d, a
 170 school nurse and a school medical advisor may jointly approve and
 171 provide general supervision to an identified school paraprofessional to
 172 administer medication, including, but not limited to, medication
 173 administered with a cartridge injector, to a specific student with a
 174 medically diagnosed allergic condition that may require prompt
 175 treatment in order to protect the student against serious harm or death.
 176 For purposes of this subsection, "cartridge injector" means an
 177 automatic prefilled cartridge injector or similar automatic injectable
 178 equipment used to deliver epinephrine in a standard dose for
 179 emergency first aid response to allergic reactions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	10-206(b)
Sec. 4	<i>October 1, 2009</i>	10-212a

Statement of Purpose:

To permit children diagnosed with either asthma or an allergic condition to retain possession of asthmatic inhalers and automatic prefilled cartridge injectors at all times while attending school for prompt treatment of such children's asthma or allergic condition provided such children have provided a written certification from specified licensed health care practitioners to a local or regional board of education.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]